

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office JUL 20 1979

Returned to applicant for correction.

Corrected application filed.

Map filed JUL 20 1979 under 37009

The applicant Graham Kay and Margaret B. Kimber c/o Boyack Surveying, Inc.
515 South Fifth Street, of Elko,
Street and No. or P.O. Box No. City or Town
Nevada 89801, hereby make application for permission to appropriate the public
State and Zip Code No.
 waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)

1. The source of the proposed appropriation is Underground Well No. 2
Name of stream, lake or other source.
2. The amount of water applied for is 4.0 cfs second-feet
One second-foot equals 448.83 gals. per min.
 (a) If stored in reservoir give number of acre-feet acre-feet
3. The water to be used for Irrigation
Irrigation, power, mining, manufacturing, domestic, or other use.
4. If use is for:
 - (a) Irrigation (state number of acres to be irrigated) 240 acres
 - (b) Stockwater (state number and kinds of animals to be watered)
 - (c) Other use (describe fully under "No. 12. Remarks")
 - (d) Power:
 - (1) Horsepower developed
 - (2) Point of return of water to stream
5. The water is to be diverted from its source at the following point: NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, T40N,
R69E, MDB&M, at a point from which the W $\frac{1}{4}$ corner of said Section 34
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land,
bears S 53°28'44" W, 3229.98 feet.
it should be stated.
6. Place of use NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33; N $\frac{1}{2}$ N $\frac{1}{2}$ Section 34; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35,
Describe by legal subdivision, if on unsurveyed land it should be so stated.
all in T40N - R69E, MDB&M.
7. Use will begin about January 1 and end about December 31, of each year.
Day and Month Day and Month
8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Wells, ditches, pipelines and
sprinkler system.
State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.

9. Estimated cost of works.....\$10,000.....
10. Estimated time required to construct works.....3 years.....
11. Estimated time required to complete the application to beneficial use.....5 years.....
12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

.....These waters are to be co-mingled with the waters of accompanying applications for Graham Kay and Margaret B. Kimber, Underground Well No. 1, (Appl. No. 37009), underground well No. 3, Under-ground Well No. 4.....

Applicant Graham Kay and Margaret B. Kimber

By/s/ Alan S. Boyack
Alan S. Boyack
Compared lp/js.....ll/bc.....515 South Fifth Street
Elko, Nevada 89801

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to all existing rights on the source. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level at permittee's well due to other ground water development in the area. A substantial weir or other type of measuring device must be installed and measurements of water use kept. The well shall be equipped with a 2-inch opening for measuring depth to water. If well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of the water herein granted at any and all times.

This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal, and local agencies.

The total diversion rate under Permits 38621 and 38623 is limited to 4.0 c.f.s.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 4.0 cubic feet per second, but not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Actual construction work shall begin on or before N/A

Proof of commencement of work shall be filed before N/A

Work must be prosecuted with reasonable diligence and be completed on or before March 26, 1987

Proof of completion of work shall be filed before April 26, 1987

Application of water to beneficial use shall be made on or before March 26, 1990

Proof of the application of water to beneficial use shall be filed on or before April 26, 1990

Map in support of proof of beneficial use shall be filed on or before April 26, 1990

Commencement of work filed.....
Completion of work filed.....
Proof of beneficial use filed.....
Cultural map filed.....
Certificate No.....Issued.....
Recorded.....Bk.....Page.....
JAY 11 1990
COUNTY RECORDER
STATE ENGINEER

IN TESTIMONY WHEREOF, I, PETER G. MORROS
State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 26TH day of MARCH

A.D. 19.85
P. G. Morros
State Engineer